

Remarks

Claims 34-96 are pending in the subject application. By this Amendment, Applicant has canceled claims 35, 43-65, 74, 76 and 84-98, amended claims 34, 66 and 75 and added new claims 99-106. Support for the amendments and new claims can be found throughout the subject specification and in the claims as originally filed (see, for example, pages 5-6 of the as-filed specification). Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 34, 36-42, 66-73, 75, 77-83 and 99-106 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

It is believed that the claim amendments made herein comport with the Examiner's indication of allowable subject matter in this matter. Applicant respectfully requests the courtesy of an interview in this matter prior to the issuance of another Office Action by the Patent Office should additional amendments to the claims be considered necessary to facilitate allowance of the application. Applicant also gratefully acknowledges the Examiner's withdrawal of certain of the rejections under 35 U.S.C. § 112, first paragraph, and the rejection under 35 U.S.C. § 102(b).

Claims 34-91, 93, 94, 96, and 97 are rejected over 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicant respectfully asserts that there is adequate written description in the subject specification to convey to the ordinarily skilled artisan that they had possession of the claimed invention. However, in an effort to expedite prosecution in this matter, Applicant has amended the claims to correspond to the subject matter indicated as allowable in the previous Office Action. Thus, it is believed that the rejection of record are now moot. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph is respectfully requested.

Claims 34-91, 93, 94, 96, and 97 are rejected over 35 U.S.C. § 112, first paragraph, as nonenabled by the subject specification. The Office Action acknowledges that the specification is enabled for reducing alopecia induced by chemotherapy, where the patient receives a heat dose on the scalp or other region susceptible to such alopecia or on the skin of a mammal, at temperatures of about 39° C to about 45° C for a period of time that is between about 15 minutes to about 2 hours at a

time that is between about 2 and 24 hours prior to the administration of a chemotherapeutic agent, but is not enabled for treatment methods outside the parameters stated above. Applicant respectfully asserts that the claims as filed are enabled by the subject specification. In an effort to expedite prosecution in this matter, Applicant has amended the claims to correspond to the subject matter indicated as allowable in the previous Office Action and it is believed that the rejection of record are now moot. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph is respectfully requested.

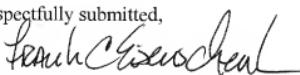
It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicant's agreement with or acquiescence in the Examiner's position. Applicant expressly reserves the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: P.O. Box 142950
Gainesville, FL 32614-2950

FCE/sl